



General Assembly

January Session, 2007

***Raised Bill No. 1049***

LCO No. 3391

\* \_\_\_\_\_SB01049LABGAE022707\_\_\_\_\_\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***AN ACT CONCERNING COLLECTIVE BARGAINING OF THE MERIT SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 5-271 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2007*):

4 (a) Employees shall have, and shall be protected in the exercise of  
5 the right of self-organization, to form, join or assist any employee  
6 organization, to bargain collectively through representatives of their  
7 own choosing on questions of wages, hours and other conditions of  
8 employment, [except as] including matters relating to the merit system  
9 for appointment and promotion of classified state employees, as  
10 provided in subsection (d) of section 5-272, as amended by this act, and  
11 to engage in other concerted activities for the purpose of collective  
12 bargaining or other mutual aid or protection, free from actual  
13 interference, restraint or coercion.

14 Sec. 2. Section 5-272 of the general statutes is repealed and the  
15 following is substituted in lieu thereof (*Effective October 1, 2007*):

16 (a) Employers or their representatives or agents are prohibited from:  
 17 (1) Interfering with, restraining or coercing employees in the exercise  
 18 of the rights guaranteed in section 5-271, as amended by this act,  
 19 including a lockout; (2) dominating or interfering with the formation,  
 20 existence or administration of any employee organization; (3)  
 21 discharging or otherwise discriminating against an employee because  
 22 he has signed or filed any affidavit, petition or complaint or given any  
 23 information or testimony under sections 5-270 to 5-280, inclusive; (4)  
 24 refusing to bargain collectively in good faith with an employee  
 25 organization which has been designated in accordance with the  
 26 provisions of said sections as the exclusive representative of employees  
 27 in an appropriate unit; including but not limited to refusing to discuss  
 28 grievances with such exclusive representative; (5) discriminating in  
 29 regard to hiring or tenure of employment or any term or condition of  
 30 employment to encourage or discourage membership in any employee  
 31 organization; (6) refusing to reduce a collective bargaining agreement  
 32 to writing and to sign such agreement; (7) violating any of the rules  
 33 and regulations established by the board regulating the conduct of  
 34 representation elections.

35 (b) Employee organizations or their agents are prohibited from: (1)  
 36 Restraining or coercing employees in the exercise of the rights  
 37 guaranteed in subsection (a) of section 5-271, as amended by this act;  
 38 (2) restraining or coercing an employer in the selection of his  
 39 representative for purposes of collective bargaining or the adjustment  
 40 of grievances; (3) refusing to bargain collectively in good faith, with an  
 41 employer, if it has been designated in accordance with the provisions  
 42 of sections 5-270 to 5-280, inclusive, as the exclusive representative of  
 43 employees in an appropriate unit; (4) breaching their duty of fair  
 44 representation pursuant to section 5-271, as amended by this act; (5)  
 45 violating any of the rules and regulations established by the board  
 46 regulating the conduct of representation elections; or (6) refusing to  
 47 reduce a collective bargaining agreement to writing and sign such  
 48 agreement.

49 (c) For the purposes of sections 5-270 to 5-280, inclusive, to bargain  
 50 collectively is the performance of the mutual obligation of the  
 51 employer or his designated representatives and the representative of  
 52 the employees to meet at reasonable times, including meetings  
 53 appropriately related to the budget-making process, and bargain in  
 54 good faith with respect to wages, hours and other conditions of  
 55 employment, [except as] including matters relating to the merit system  
 56 for appointment and promotion of classified state employees, as  
 57 provided in subsection (d) of this section, or the negotiation of an  
 58 agreement, or any question arising thereunder, and the execution of a  
 59 written contract incorporating any agreement reached if requested by  
 60 either party, but such obligation shall not compel either party to agree  
 61 to a proposal or require the making of a concession.

62 (d) [Nothing herein shall diminish the authority and power of the]  
 63 The Employees' Review Board, the Department of Administrative  
 64 Services or any state agency established by statute, charter or special  
 65 act to establish, shall have the authority to conduct and grade merit  
 66 examinations and to rate candidates in order of their relative  
 67 excellence from which appointments or promotions may be made to  
 68 positions in the competitive division of the classified service of the  
 69 state served by the Department of Administrative Services, [. The]  
 70 unless the establishment, conduct and grading of merit examinations,  
 71 the rating of candidates and the establishment of lists from such  
 72 examinations and the appointments from such lists [shall not be  
 73 subject to collective bargaining] is otherwise provided for under an  
 74 applicable collective bargaining agreement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	5-271(a)
Sec. 2	<i>October 1, 2007</i>	5-272

***LAB***

***Joint Favorable C/R***

***GAE***